

**1 Rule 1014. Dismissal and Change of Venue**

(b) PROCEDURE WHEN PETITIONS INVOLVING THE SAME DEBTOR OR RELATED DEBTORS ARE FILED IN DIFFERENT COURTS. If petitions commencing cases under the Code or seeking recognition under chapter 15 are filed in different districts by, regarding, or against (1) the same debtor, (2) a partnership and one or more of its general partners, (3) two or more general partners, or (4) a debtor and an affiliate, ~~on motion filed~~ the court in the district in which the first-filed ~~petition filed first is pending and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, the court~~ may determine, in the

\* New material is underlined; matter to be omitted is lined through.

## 2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 interest of justice or for the convenience of the parties, the  
16 district or districts in which ~~the case or~~ any of the cases  
17 should proceed. The court may so determine on motion  
18 and after a hearing, with notice to the following entities in  
19 the affected cases: the United States trustee, entities  
20 entitled to notice under Rule 2002(a), and other entities as  
21 the court directs. ~~Except as otherwise ordered by the~~ The  
22 ~~court in the district in which the petition filed first is~~  
23 ~~pending,~~ may order the parties to the later-filed cases not to  
24 proceed further ~~the proceedings on the other petitions shall~~  
25 ~~be stayed by the courts in which they have been filed until~~  
26 it makes ~~the determination is made.~~

### **Committee Note**

Subdivision (b) provides a practical solution for resolving venue issues when related cases are filed in different districts. It designates the court in which the first-filed petition is pending as the decision maker if a party seeks a determination of where the related cases should proceed. Subdivision (b) is amended to clarify when

proceedings in the subsequently filed cases are stayed. It requires an order of the court in which the first-filed petition is pending to stay proceedings in the related cases. Requiring a court order to trigger the stay will prevent the disruption of other cases unless there is a judicial determination that this subdivision of the rule applies and that a stay of related cases is needed while the court makes its venue determination.

Notice of the hearing must be given to all debtors, trustees, creditors, indenture trustees, and United States trustees in the affected cases, as well as any other entity that the court directs. Because the clerk of the court that makes the determination often may lack access to the names and addresses of entities in other cases, a court may order the moving party to provide notice.

The other changes to subdivision (b) are stylistic.

---

### **Changes Made After Publication and Comment**

The only change made after publication and comment was stylistic.